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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,143	01/11/2002	Wei Lin	03493.00337	5827
26652	7590	12/06/2006	EXAMINER	
AT&T CORP. ROOM 2A207 ONE AT&T WAY BEDMINSTER, NJ 07921			BATURAY, ALICIA	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 12/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/042,143

Applicant(s)

LIN ET AL.

Examiner

Alicia Baturay

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 3-12, 14-23, 25-34 and 36-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-12, 14-23, 25-34 and 36-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This Office Action is in response to the amendment filed 10 October 2006.
2. Claims 1, 12, 23, 34 and 45 were amended.
3. Claims 2, 13, 24 and 35 were cancelled.
4. Claims 1, 3-12, 14-23, 25-34 and 36-44 are pending in this Office Action.

### ***Response to Amendment***

5. The objection to claim 39 regarding minor informalities was addressed and is withdrawn.
6. The rejection of claims 2, 13, 24 and 35 under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph regarding indefiniteness is moot due to cancellation of aforementioned claims.
7. Applicant's amendments and arguments with respect to claims 1-44 filed on 10 October 2006 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

### ***Claim Objections***

8. Claim 27 is objected to because of the following informalities: it is dependent upon cancelled claim 24. It is thought Applicant intended this claim to depend upon claim 23. Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 3-6, 9-12, 14-17, 20-23, 25-28, 31-34, 36-39 and 42-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Yagil et al. (U.S. 6,732,315).

11. With respect to claim 12, Yagil teaches a method for providing access to a method for providing access to a communications medium, the communications medium being suitable for allowing use of a plurality of Home Phoneline Network Association (HPNA) v2 frames, each HPNA v2 frame being timed to allow a plurality of physical layer priority level slots, the method comprising the steps of:

Transmitting a sequence of blocking frames on the communications medium (Yagil, col. 11, lines 51-67), each blocking frame having timing to allow an Inter-Frame Gap (IFG) having a duration of less than 17  $\mu$ sec, the IFG not recognized by an HPNA v2 station (STA) as a duration defined by an HPNA v2 specification for an HPNA IFG (Yagil, col. 11, lines 16-22); transmitting a message from a Media Control Station (MC STA) (Yagil, Fig. 4, element 404; col. 5, lines 19-33 and col. 10, lines 33-41) to at least one selected non-Media Control Station (non-MC STA) when the blocking frames are transmitted (Yagil, Fig. 4, element 300; col. 5, lines 34-46 and col. 11, lines 51-67), the transmitted message being

transmitted with a highest physical layer priority level available in an HPNA v2 frame (Yagil, col. 10, lines 23-41); and receiving a reply message to the transmitted message at the MC STA from a selected non-MC STA when the blocking frames are transmitted (Yagil, col. 10, lines 23-28).

12. With respect to claim 14, Yagil teaches the invention described in claim 12, including the method where each blocking frame includes a Blocking Frame Type field (Yagil, col. 9, line 60 – col. 10, line 2).
13. With respect to claim 15, Yagil teaches the invention described in claim 14, including the method where information contained in the Blocking Frame Type field identifies a frame type that is known to a v2 STA (Yagil, col. 9, line 48 – col. 10, line 2).
14. With respect to claim 16, Yagil teaches the invention described in claim 14, including the method where information contained in the Blocking Frame Type field identifies a frame type that is unknown to a v2 STA (Yagil, col. 11, lines 11-28).
15. With respect to claim 17, Yagil teaches the invention described in claim 12, including the method where each blocking frame is assigned a highest HPNA v2 priority available in an HPNA v2 frame (Yagil, col. 10, lines 23-41).

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16. With respect to claim 20, Yagil teaches the invention described in claim 12, including the method where each blocking frame includes a payload encoding field (Yagil, col. 9, line 48 – col. 10, line 2).
17. With respect to claim 21, Yagil teaches the invention described in claim 20, including the method where each payload encoding field includes information that is known to a v2 STA (Yagil, col. 9, line 48 – col. 10, line 2).
18. With respect to claim 22, Yagil teaches the invention described in claim 21, including the method where each payload encoding field includes information that is unknown to a v2 STA (Yagil, col. 11, lines 11-28).
19. Claims 1, 3-6, 9-11, 23, 25-28, 31-34, 36-39 and 42-44 do not teach or define any new limitations above claim 12, 14-17 and 20-22 and therefore are rejected for similar reasons.

*Claim Rejections - 35 USC § 103*

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 7, 8, 18, 19, 29, 30, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yagil and further in view of Mallory (U.S. 6,954,800).

Yagil teaches the invention substantially as claimed including a home networking transmitter, receiver, station, network manager, network and method adapted to network devices over phone lines in a home. A bandwidth other than the 4 to 10 MHz band defined in the HomePNA 2.0x specification and a Baud rate higher than 4M baud may be used for communications between a plurality of devices. PHY and MAC layers are improved to increase the performance of home phone line networks (see Abstract).

22. With respect to claim 18, Mallory teaches the invention described in claim 12, including a method for providing access to a communications medium, the communications medium being suitable for allowing use of a plurality of Home Phoneline Network Association (HPNA) v2 frames, each HPNA v2 frame being timed to allow a plurality of physical layer priority level slots, the method comprising the steps of: Transmitting a sequence of blocking frames on the communications medium (Yagil, col. 11, lines 51-67), each blocking frame having timing to allow an Inter-Frame Gap (IFG) having a duration of less than 17  $\mu$ sec, the IFG not recognized by an HPNA v2 station (STA) as a duration defined by an HPNA v2 specification for an HPNA IFG (Yagil, col. 11, lines 16-22); transmitting a message from a Media Control Station (MC STA) (Yagil, Fig. 4, element 404; col. 5, lines 19-33 and col. 10, lines 33-41) to at least one selected non-Media Control Station (non-MC STA) when the blocking frames are transmitted (Yagil, Fig. 4, element 300; col. 5, lines 34-46 and col. 11,

lines 51-67), the transmitted message being transmitted with a highest physical layer priority level available in an HPNA v2 frame (Yagil, col. 10, lines 23-41); and receiving a reply message to the transmitted message at the MC STA from a selected non-MC STA when the blocking frames are transmitted (Yagil, col. 10, lines 23-28).

Yagil does not explicitly teach the use of a scrambler initialization field.

However, Mallory teaches the method where each blocking frame includes a scrambler initialization field having a fixed length (Mallory, col. 12; lines 57-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yagil in view of Mallory in order to enable the use of a blocking frame type field. One would be motivated to do so in order to enhancing network transmission between stations on a priority-enabled frame-based communications network, the communications network having multiple transmit priorities and transmitting frames such that a network access time to transmit a frame of a lower transmit priority is longer than a network access time to transmit a frame of a higher transmit priority (Mallory, col. 3, lines 57-63).

23. With respect to claim 19, Mallory teaches the invention described in claim 12, including a method for providing access to a communications medium, the communications medium being suitable for allowing use of a plurality of Home Phoneline Network Association (HPNA) v2 frames, each HPNA v2 frame being timed to allow a plurality of physical layer priority level slots, the method comprising the steps of: Transmitting a sequence of blocking frames on the communications medium (Yagil, col. 11, lines 51-67), each blocking frame



having timing to allow an Inter-Frame Gap (IFG) having a duration of less than 17  $\mu$ sec, the IFG not recognized by an HPNA v2 station (STA) as a duration defined by an HPNA v2 specification for an HPNA IFG (Yagil, col. 11, lines 16-22); transmitting a message from a Media Control Station (MC STA) (Yagil, Fig. 4, element 404; col. 5, lines 19-33 and col. 10, lines 33-41) to at least one selected non-Media Control Station (non-MC STA) when the blocking frames are transmitted (Yagil, Fig. 4, element 300; col. 5, lines 34-46 and col. 11, lines 51-67), the transmitted message being transmitted with a highest physical layer priority level available in an HPNA v2 frame (Yagil, col. 10, lines 23-41); and receiving a reply message to the transmitted message at the MC STA from a selected non-MC STA when the blocking frames are transmitted (Yagil, col. 10, lines 23-28).

Yagil does not explicitly teach the use of a scrambler initialization field.

However, Mallory teaches the method where each blocking frame includes a scrambler initialization field having a variable length (Mallory, col. 16, lines 2-3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yagil in view of Mallory in order to enable the use of a blocking frame type field. One would be motivated to do so in order to enhancing network transmission between stations on a priority-enabled frame-based communications network, the communications network having multiple transmit priorities and transmitting frames such that a network access time to transmit a frame of a lower transmit priority is longer than a network access time to transmit a frame of a higher transmit priority (Mallory, col. 3, lines 57-63).

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24. Claims 7, 8, 29, 30, 40 and 41 do not teach or define any new limitations above claims 18 and 19 and therefore are rejected for similar reasons.

***Response to Arguments***

25. Applicant's arguments filed 10 October 2006 have been fully considered, but they are not persuasive for the reasons set forth below.

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at 7:30am - 5pm, Monday - Thursday, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Baturay  
November 21, 2006



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SUPERVISORY PATENT EXAMINER